

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
10/646,643	08/22/2003	George William Duiley	2003P07970US

Response To Official Action

EXAMINER	
Ayres, Timothy Michael	
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REMARKS

The above-referenced application has been reviewed in light of the Office Action mailed March 2, 2006. By the present amendment, the Applicant has amended claims 1, 9, and 17. In addition, the Applicant has canceled claims 11-14 and 19-20 without prejudice. It is respectfully submitted that the claims remaining in the application are fully supported by the specification, introduce no new subject matter, and are patentable over the prior art. Prompt and favorable consideration of the claims as amended is respectfully requested.

In the Office Action, the drawings were objected to under 37 C.F.R. § 1.83 (a). According to the Office Action, features recited in claims 11-12 and 19-20 were not shown in the drawings. In the interest of furthering prosecution, claims 11-12 and 19-20 have been canceled. It is respectfully requested that the objection to the drawings be withdrawn.

Also, in the Office Action, claims 12 and 19 were rejected under 35 U.S.C. § 112 wherein it was asserted that the claimed subject matter was not adequately described in the specification. As noted above claims 12 and 19 have been canceled. Therefore, it is respectfully requested that the rejection be withdrawn.

In the Office Action, claims 1-3 and 8 were rejected under 35 U.S.C. § 102 (b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103 (a) as obvious over U.S. Patent No. 3,203,373 to King (the '373 patent). According to the Office Action, the '373 patent discloses an apparatus including a elongated planar member that can inherently support a patient, a support assembly having a pedestal disposed on a base, a plurality of connecting arms connected to the planar member and the pedestal, and a motor assembly for positioning the planar member.

Claim 1 recites a device including a base having first and second sections and a plurality of elongated connecting arms wherein "each first end of the plurality of elongated connecting arms being pivotably attached to the bottom side of the planar member approximately midway between the first and second ends of the longitudinal plane," and "each connecting arm forms

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an acute angle relative to the first section of the base plane" in a first position and the planar member is movable to a second position wherein "each connecting arm forms an obtuse angle relative to the first section of the base plane and each connecting arm travels through an axis that is orthogonal to the base when the planar member moves from the first position to the second position." The '373 patent discloses an ironing board having a parallel linkage structure that enables a user to comfortably use the ironing board while sitting. Specifically, the specification of the '373 patent discloses (column 2, line 36-41):

The links are coupled to the ironing board adjacent one end thereof so that an unobstructed space beneath the ironing board will be provided to assure adequate leg room for a user of the ironing board when the user is in a sitting position adjacent thereto.

Unlike the presently disclosed support device, the connecting arms of the ironing board disclosed in the '373 patent are connected to one end of the ironing board to enable a user to sit comfortably in the unobstructed space beneath the ironing board. Furthermore, the connecting arms, at most, travel to a position, as shown below in Fig. 1, such that they define an angle that is less than orthogonal with respect to the base. Specifically, the specification of the '373 patent discloses (column 2, line 42-55):

...ironing board 20 may be disposed in the full-line position of FIG. 1 in an intermediate position as shown in the dashed-lines substantially midway between ironing board 20 and base frame 22, or in the collapsed position shown in dashed-lines in relatively close proximity to and above base frame 22.

Thus, despite the Office Action's assertion that the structure is capable of traveling to an obtuse angle, there is teaching in the specification as to why an obtuse angle should not be reached. Namely, if an obtuse angle were to be achieved, the parallel linkage structure would interfere with the comfortable seated position of a user. Applicant continues to maintain that an ironing board for ironing clothes in a comfortably seated position does not inherently disclose an

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planar member approximately midway between a first end and a second end of the planar member," as recited in amended claims 9 and 17, and discussed above. Therefore, it is respectfully submitted that claims 9 and 17 are not anticipated or suggested by the '373 patent and are in condition for allowance. Since claims 10 and 16 depend from claim 9, and claims 18 and 23 depend from claim 17, it is respectfully submitted that these claims are also in condition for allowance.

Additionally, in the Office Action, claims 11-13, 15, 20, 22 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over the '373 patent in view of U.S. Patent No. 4,173,372 to Norris (the '372 patent). According to the Office Action, the '372 patent discloses a support assembly for a seat that is rotatable about the vertical axis, and asserted that claims 13, 15, and 22 were an obvious method of using the device of the '373 patent as modified by the '372 patent. As noted above, by this present amendment, claims 11-13 and 19-20 have been canceled. As discussed above, the '373 patent does not teach or suggest such a device. Adding the motor assembly, as disclosed in the '372 patent, does not cure the deficiencies of the '373 patent and does not suggest the device recited in claims 15 and 22. Therefore, it is respectfully submitted that claims 15 and 22 overcome the rejection of the Office Action and are in condition for allowance.

Additionally, the Office Action rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over the '373 patent in view of the '372 patent, and in further view of U.S. Patent 6,516,478 to Cook (the '478 patent). As noted above, claim 14 has been canceled. It is respectfully requested that the rejection of claim 14 be withdrawn.

Finally, in the Office Action, claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the '373 patent in view of the '478 patent. According to the Office action, the

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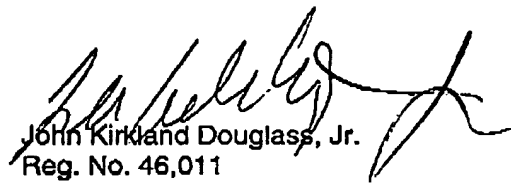
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'478 patent discloses an adjustable height platform with, a motor attached to scissor linkage, and through a controller to a remote control. As discussed above, claim 18 is not suggest by the '373 patent and adding the remote control, as disclosed by the '478 patent, does not cure the deficiencies of the '373 patent and does not suggest the device recited in claim 17. Since claim and 21 depend from claims 9 and 17, it is respectfully submitted that these claims are in condition for allowance and the rejection of the Office Action has been overcome.

In view of the foregoing amendments and remarks, Applicant submits that all of the claims are in proper format and are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is invited to contact the undersigned at the telephone number listed below with any questions concerning this application.

Respectfully submitted,

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